

DOUGLAS T. SLOAN, City Attorney
CITY OF FRESNO
By: Francine M. Kanne, Chief Assistant City Attorney (#139028)
2600 Fresno Street, Room 2031
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Attorneys for the CITY OF FRESNO

RE:

**RECORDS REGARDING
PREDICTIVE SOFTWARE**

**RESPONSE TO PUBLIC RECORDS
ACT REQUEST FOR DOCUMENTS
(Govt. Code §6250, et seq.)**

The City of Fresno (City) responds to a request pursuant to the California Public Records Act (Gov. Code §6250, et seq.) by the Aaron Swartz Day Police Surveillance Project, regarding **predictive software records**, as follows:

Request No. 1 – Number, if any, of Predictive Algorithmic software packages or service agreements designed to anticipate criminal activities in place with [the City’s Police Department]. Please specify if software has been purchased or if services are performed by outside contractors for the [City’s Police Department: The City objects to this inquiry to the extent it seeks information and does not seek production of an existing public record. (Gov. Code § 6253(b).) Under the California Public Records Act, the City is not required to respond to inquiries that seek only information. Without waiving this objection, the City produces potentially responsive documents attached as Exhibit A.

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1 **Request No. 2 – Any documents or correspondence during the period encompassing**
2 **this request regarding possible or planned acquisition of Predictive Algorithmic software**
3 **packages or service agreements:** After a diligent search and reasonable inquiry of the City's
4 records, the City did not locate any potentially responsive documents for this request. Please note
5 the City is still searching for potentially responsive email records. If any potentially responsive
6 email records exist, the City will provide a supplemental response.

7 **Request No. 3 – Any existing or proposed usage policies regarding the use of Predictive**
8 **Algorithmic software packages or service agreements, including protocols, training**
9 **documents, data storage procedures and prohibited activities:** After a diligent search and
10 reasonable inquiry of the City's records, the City did not locate any potentially responsive
11 documents for this request. Please note the predictive software used by the City is a service the City
12 subscribes to. Any training the City provides is through the company's live website.

13 **Request No. 4 – Any current or past litigation involving or referencing the City's**
14 **Police Department involving the use of Predictive Algorithmic Software:** After a diligent search
15 and reasonable inquiry of the City's records, the City did not locate any potentially responsive
16 documents for this request.

17 DATED: February 11, 2019.

Respectfully submitted,

DOUGLAS T. SLOAN
City Attorney

By: 

FRANCINE M. KANNE
Chief Assistant City Attorney
Attorneys for CITY OF FRESNO

22 FMK:rm[56375rm/fmk]

PROOF OF SERVICE
CCP §§ 1011, 1013, 1013a, 2015.5
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2600 Fresno Street, Fresno, CA 93721-3602.

On February 11, 2019, I served the document described as **RESPONSE TO PUBLIC RECORDS ACT REQUEST FOR DOCUMENTS** on the interested parties in this action ☐ by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list: ☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

Aaron Swartz Day Police Surveillance Project
MuckRock News
DEPT MR 66898
411A Highland Ave
Somerville, MA 02144-2516
Email: 66898-93500372@requests.muckrock.com

☐ BY MAIL ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.

☐ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (BY PERSONAL SERVICE) I caused such envelope to be hand delivered.

☐ (BY FAX) I caused the above-referenced document to be transmitted by fax to the addressee(s) at the fax number(s) shown.

☐ (BY OVERNIGHT COURIER) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

☒ (BY ELECTRONIC MAIL) I caused the above-referenced document to be transmitted by electronic mail (e-mail) to the addressee(s) at the e-mail(s) shown.

Executed on February 11, 2019, at Fresno, California.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


Kimberly Hernandez